

JUDGE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR06-5503 RBL
)	
Plaintiff,)	
)	ORDER CONTINUING TRIAL DATE
vs.)	
)	
PHILL JOO AM KIM,)	
ALAN CARL BERBERICH,)	
)	
Defendants.)	

Defendant Phill Joo Am Kim and the Government jointly moved to continue the trial date. The Clerk has spoken with Ron Ness, counsel for defendant Alan Berberich who orally advises that they join into the stipulation to continue the trial date. For the reasons stated in the Stipulation, the motion is GRANTED and the Trial Date is **CONTINUED to NOVEMBER 6, 2006 at 9:00 a.m.**

Based on the stipulated motion of the parties to continue the trial date, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).

1 3. The defense needs additional time to explore issues of some complexity,
2 including all relevant issues and defenses applicable to the case, which would make it
3 unreasonable to expect adequate preparation for pretrial proceedings or for trial itself
4 within the time limits established by the Speedy Trial Act and currently set for this case.
5 18 U.S.C. § 3161(h)(8)(B)(ii).

6 4. Taking into account the exercise of due diligence, a continuance is necessary
7 to allow the defendant the reasonable time for effective preparation his defense. 18
8 U.S.C. § 3161(h)(8)(B)(iv).

9 THEREFORE, IT IS HEREBY ORDERED that the **trial date** is continued from
10 October 10, 2006 to **November 6, 2006 at 9:00 AM**. The resulting period of delay from
11 October 10, 2006, to November 6, 2006, is hereby excluded for speedy trial purposes
12 under 18 U.S.C. § 3161(h)(8)(A) and (B).

13 **Pre-trial motions** are due no later than **OCTOBER 16, 2006**.

14 IT IS SO ORDERED this 2nd day of October, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

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17 Respectfully submitted,

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19 s/ Jerome Kuh
Attorney for Defendant

s/ Ye-Ting Woo
Assistant United States Attorney

20 s/ Ronald Ness
21 Attorney for Defendant
22 (per telephonic authorization to clerk)